

**REMARKS**

**I. Claims are Subject to Restriction Under 35 U.S.C. § 121**

It is asserted in the Action, that Restriction of claims 3-8 to one of the following inventions is required under 35 U.S.C. § 121:

**Group I:** Claims 3 and 7, drawn to a small interfering RNA molecule having a nucleotide sequence of SEQ ID NO:3 and SEQ ID NO:4.

**Group II:** Claims 4 and 7, drawn to a small interfering RNA molecule having a nucleotide sequence of SEQ ID NO:5 and SEQ ID NO:6.

**Group III:** Claims 5 and 7, drawn to a small interfering RNA molecule having a nucleotide sequence of SEQ ID NO:7 and SEQ ID NO:8.

**Group IV:** Claims 6 and 7, drawn to a small interfering RNA molecule having a nucleotide sequence of SEQ ID NO:9 and SEQ ID NO:10.

**Group V:** Claim 8, drawn to a method for inhibiting apoptosis in a mammalian cell comprising administering a small interfering RNA molecule having a nucleotide sequence of SEQ ID NO:4.

**Group VI:** Claim 8, drawn to a method for inhibiting apoptosis in a mammalian cell comprising administering a small interfering RNA molecule having a nucleotide sequence of SEQ ID NO:6.

**Group VII:** Claim 8, drawn to a method for inhibiting apoptosis in a mammalian cell comprising administering a small interfering RNA molecule having a nucleotide sequence of SEQ ID NO:7 and SEQ ID NO:8.

**Group VIII:** Claim 8, drawn to a method for inhibiting apoptosis in a mammalian cell comprising administering a small interfering RNA molecule having a nucleotide sequence of SEQ ID NO:9 and SEQ ID NO:10.

Applicants hereby elect **Group I**, the invention according to claims 3 and 7, for examination in the present application.

**II. Nucleotide Sequences are Subject to Restriction Under 35 U.S.C. § 121**

The Action further alleges that, pursuant to 35 U.S.C. § 121 and 37 C.F.R. § 1.141, the nucleotide sequences listed in claims 3-6 are subject to restriction. Applicants hereby elect, with traverse, the nucleotide sequence set forth in SEQ ID NO:3 for examination in the present application.

Applicants respectfully request reconsideration of the restriction between the nucleic acid sequence of SEQ ID NO:3 and the nucleic acid sequence of SEQ ID NO:4, as set forth in elected Group I, claims 3 and 7. Applicants assert that the siRNA molecule set forth in claim 3, and described in detail at page 100, line 15 through page 101, line 21, is a RNA duplex pair of SEQ ID NO:3 (sense strand) and SEQ ID NO:4 (anti-sense strand).

Applicants therefore contend that the claimed siRNA molecule requires both the sense (SEQ ID NO: 3) and the anti-sense (SEQ ID NO:4) nucleic acid sequences to optimally perform as an interfering RNA molecule. Furthermore, Applicants do not believe that the inclusion of both nucleic sequences would pose an undue burden on the Examiner during examination, and as such, respectfully request reconsideration of the restriction between SEQ ID NO: 3 and SEQ ID NO: 4.

III. Conclusions

It is the Applicants' belief that claims 1-3 and 7 are in condition for allowance, and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned agent at the number indicated.

The notice a one-month period to comply, to and including March 17, 2006. Thus, this response is believed to be timely filed. However, should any additional fees be deemed necessary, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-1425.

  
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